IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

SECOND APPEAL NO.504 OF 2006
A/w
Civil Application No.742 of 2006

Shri Nivruti Laxman Jagtap and Anr. .. Appellants.
Vs
Jayashree Pandurang Sankpal, .. Respondent.

Ms.Laxmi Swaminathan, for the appellants.

CORAM : D.B.BHOSALE,J.
DATE : 20.02.2007
PC:

1. Heard the learned counsel for the appellants.

2. The concurrent findings recorded by the courts below in a suit filed by the respondent-plaintiff for recovery of an amount of Rs.1,04,498/- are under challenge in the instant appeal. The respondent-plaintiff had filed the suit for recovery of the aforesaid amount based on the evidence, namely, withdrawal of the amount from the Bank for handing it over to the appellants/defendants in the scheme floated by them, issuance of a cheque by the defendants in favour of the plaintiff and oral evidence of witnesses examined by the plaintiff. Both the courts have taken all the circumstances and the evidence into consideration and have appreciated the same in proper perspective and have recorded concurrent findings of

facts in favour of the plaintiff. I find absolutely no reason to interfere with the findings of facts recorded by the courts below. Merely because one witness P.W.-2 Arvind Kulkarni, to which my attention was invited by the learned counsel for the appellants, had stated that the cheque was not issued in his presence, will not falsify the case made out by the plaintiff. No substantial question of law is either raised or involved in the instant appeal. Keeping that in view and considering the concurrent findings of facts recorded by the courts below and as I find that there is sufficient material on record to sustain those findings and considering the extremely limited jurisdiction of this Court under section 100 of the Civil Procedure Code, to disturb the findings of fact, the second appeal fails and dismissed as such. As a consequence thereof, the civil application stands disposed of.

(D.B.BHOSALE,J.)